

**From:** "Kelley, William K."  
**To:** "Kavanaugh, Brett M."  
**Subject:** FW: Talkers revised  
**Sent:** Fri, 30 Sep 2005 16:10:20 -0500  
[Miers Bio Revised.doc](#)  
[Miers Mainstream Revised.doc](#)  
[Miers Well Qualified Revised.doc](#)

-----Original Message-----

From: Friedrich, Dabney  
Sent: Friday, September 30, 2005 4:59 PM  
To: Kelley, William K.; Bartlett, Dan  
Subject: FW: Talkers revised

FYI -- The attached are the same as those you already have seen -- incorporating the minor edits noted below.

-----Original Message-----

From: Friedrich, Dabney  
Sent: Friday, September 30, 2005 4:57 PM  
To: Gillespie, Edward W.; 'Kristi.R.Macklin@usdoj.gov'; 'Rachel.Brand@usdoj.gov'; Schmidt, Stephen E.  
Subject: Talkers revised

to remove "devout churchgoer" and involvement in high level policy and legal decisions.

DOJ: Note question in qualifications TPs regarding certainty of accuracy of TP re 38 prior Justices having never been a judge before appt to SCT.

## Harriet Miers Biography

- Harriet Miers was born in Dallas, Texas on [REDACTED] b(6)
- Ms. Miers received her bachelor's degree in Mathematics in 1967 and J.D. in 1970 from Southern Methodist University.
- Upon graduation, she clerked for U.S. District Judge Joe E. Estes from 1970 to 1972.
- In 1972, Ms. Miers became the first woman hired at Dallas's Locke Purnell Rain Harrell.
- In March 1996, her colleagues elected her the first female President of Locke, Purnell, Rain & Harrell, at that time a firm of about 200 lawyers. She became the first female to lead a Texas firm of that size.
- Locke, Purnell eventually merged with a Houston firm and became Locke Liddell & Sapp, LLP, where Ms. Miers became Co-Managing Partner and helped manage an over-400-lawyer firm.
- Ms. Miers had a very distinguished career as a trial litigator, representing such clients as Microsoft, Walt Disney Co. and SunGard Data Systems Inc.
- Throughout her career, she has been very active in the legal community and has blazed a trail for other women to follow.
  - In 1985, Ms. Miers was selected as the first woman to become President of the Dallas Bar Association.
  - In 1992, she became the first woman elected President of the State Bar of Texas. Ms. Miers served as the President of the State Bar of Texas from 1992 to 1993.
  - She played an active role in the American Bar Association. She was one of two candidates for the Number 2 position at the ABA, chair of the House of Delegates, before withdrawing her candidacy to move to Washington to serve in the White House. Ms. Miers also served as the chair of the ABA's Commission on Multijurisdictional Practice.
- On numerous occasions, the National Law Journal named her one of the Nation's 100 most powerful attorneys, and as one of the Nation's top 50 women lawyers.
- Ms. Miers also has been involved in local and statewide politics in Texas.
  - In 1989, she was elected to a two-year term as an at-large candidate on the Dallas City Council. She chose not to run for re-election when her term expired.

- Ms. Miers also served as general counsel for the transition team of Governor-elect George W. Bush in 1994.
- From 1995 until 2000, Ms. Miers was Chairwoman of the Texas Lottery Commission. Then-Governor Bush appointed Ms. Miers to a six-year term on the Texas Lottery Commission when it was mired in scandal, and she served as a driving force behind its cleanup.
- Ms. Miers came to Washington D.C. in 2001 and began a period of distinguished and dedicated service that continues to day.
  - She was appointed to be Assistant to the President and Staff Secretary on January 5, 2001.
  - In 2003, Ms. Miers was promoted to be Assistant to the President and Deputy Chief of Staff.
  - Ms. Miers has served as Counsel to the President since February, 2005.
- She is single and very close to her family: two brothers and her mother live in Dallas and a third brother lives in Houston.

## Harriet Miers is Mainstream and Fair

- Harriet Miers's career has been marked by her efforts to ensure justice and fairness for all.
- She has recognized and worked to correct the difficulties faced by **women in the workforce**.
  - As co-managing partner of Locke, Liddell & Sapp in Dallas, Ms. Miers publicly stated that firms need to adopt policies that are friendly to families to aid women who are pulled in many different directions. Those policies could include part-time employment, flex time, on-site child care or dependent-care assistance. "There needs to be the recognition that there are many competing time demands for women. With children, those demands can be even greater," she said. It "is necessary to accommodate those competing demands."
- She has been tireless in her efforts to ensure **adequate representation for the poor and underserved**.
  - She has served as the Chairwoman of the Legal Services to the Poor in Civil Matters Committee for the Texas State Bar.
  - As president of the Dallas Bar, Ms. Miers appealed to firm managing partners to round up enough volunteers to staff free neighborhood legal clinics.
  - She has urged her colleagues to support fee increases to support better pro bono representation. She said if lawyers are worried about their clients' having to pay the extra fee, "I suggest they just pay it."
  - As one Texas newspaper put it: "The 1992-93 State Bar president gets the nod for leading by example. After the State Bar fought mandatory pro bono advocates to a standstill in the Legislature and the courts, Miers asked the Bar board to set an example. In addition to her presidential duties, Miers put in 125 hours handling an immigration and naturalization case for Catholic Charities of Dallas."
- She has recognized the importance of a **diverse workplace**, giving assurances as incoming President of the Texas State Bar that her appointees would be balanced in terms of gender, race, geography, and the size of the firms in which the appointees practice.
- Ms. Miers has advocated **improving the quality of legal representation in death penalty** cases. She stated that Texas' reliance on volunteer lawyers in life and death matters is "unacceptable ... There are some [good] lawyers out there doing some awfully fine work, but we're using a Band-Aid approach when the system needs an overhaul."
- Even her adversaries on controversial issues have complimented her approach.

- For example, when she opposed the imposition of quotas in the leadership of the State Bar of Texas, the leading proponent of the quotas stated: “We knew our resolution would be opposed formidably, but we had a very productive debate with no rancor whatsoever.”
- She led the fight to poll the entire membership of the ABA on the question whether the organization should adhere to its pro-choice position on abortion, urging that the ABA should remain neutral on the question. Despite the strong feelings on both sides of such a contentious issue, her opponents described her efforts as fair.
- She has worked to **safeguard the integrity** of the judicial process and the judicial selection process.
- As she stated when President of the State Bar of Texas, its “number one priority” was protecting the public from unethical lawyers.

## **Harriet Miers is Well Qualified to Serve on the United States Supreme Court**

- **Ms. Miers's long and distinguished career as one of the foremost lawyers in the country makes her exceptionally well qualified to serve on the United States Supreme Court.**
- **With her distinguished career and extensive community involvement, Ms. Miers would bring a wealth of personal experience and diversity to the Supreme Court.**
- Members from **both sides of the aisle** have recognized her professional achievements and qualifications and recommended her to the President as a nominee.
- Ms. Miers would join a **long and distinguished list of jurists named to the Supreme Court without prior judicial experience.**
  - In his 2001 *Year-End Report on the Federal Judiciary*, Chief Justice William Rehnquist argued that “we must not drastically shrink the number of judicial nominees who have substantial experience in private practice.” The Chief Justice also noted in his Report that “the federal Judiciary has traditionally drawn from a wide diversity of professional backgrounds, with many of our most well-respected judges coming from private practice.”
  - Chief Justice William Rehnquist, Justice William O. Douglas, Chief Justice Earl Warren, Justice Felix Frankfurter, Chief Justice Harlan Fiske Stone, Justice Louis Brandeis, and even Chief Justice John Marshall all were appointed to the United States Supreme Court without prior judicial experience. Justice Hugo Black *did* serve as a judge prior to his appointment, but for less than two years on the Birmingham, Alabama, Police Court, 26 years before his appointment to the Supreme Court.
  - In all, thirty-eight previous Justices had never been a judge *at any level* before their appointment to the Court. **[Question: Are we sure this number is right? It seems low.]**
  - 10 out of the 34 Justices appointed since 1933 were appointed from positions with the President's Administration, including both of President John F. Kennedy's appointments. The late Chief Justice William Rehnquist was appointed in 1971 from his position as Assistant Attorney General, and had no prior judicial experience.
- **Ms. Miers has a long and distinguished professional career.**
  - Ms. Miers received her bachelor's degree in Mathematics in 1967 and J.D. in 1970 from Southern Methodist University. Upon graduation, she clerked for U.S. District Judge Joe E. Estes from 1970 to 1972.
  - Ms. Miers had a very distinguished career as a trial litigator, representing such clients as Microsoft, Walt Disney Co. and SunGard Data Systems Inc. Moreover, when she

left her law firm of Locke, Liddell & Sapp, Ms. Miers was serving as Co-Managing Partner of the over-400-lawyer firm.

- Throughout her career, Ms. Miers has been committed to public service. In addition to her extensive involvement in the State Bar of Texas and the American Bar Association, Ms. Miers has been an elected official, a statewide officeholder, and a strong advocate of pro bono work.
- In her time in the Administration, Ms. Miers has addressed numerous legal and policy questions at the highest levels of decisionmaking, most recently serving as the Counsel to the President of the United States.
- Like Justice O'Connor, throughout her career, Ms. Miers has been a **female trailblazer**.
  - In 1972, Ms. Miers became the first woman hired at Dallas's Locke Purnell Rain Harrell. In March 1996, her colleagues elected her the first female President of Locke, Purnell, Rain & Harrell, at that time a firm of about 200 lawyers. She was the first woman to lead a Texas firm of that size.
  - In 1985, Ms. Miers was selected as the first woman to become President of the Dallas Bar Association.
  - In 1992, she became the first woman elected President of the State Bar of Texas. Ms. Miers served as the President of the State Bar of Texas from 1992 to 1993.
- Ms. Miers recent career has been marked by her participation **at the highest levels of government**.
  - She was appointed to be Assistant to the President and Staff Secretary on January 5, 2001. As Staff Secretary, Ms. Miers acted as "the ultimate gatekeeper for what crosses the desk of the nation's commander in chief." In addition to this important role, Ms. Miers supervised more than 60 employees in four departments.
  - In 2003, Ms. Miers was promoted to be Assistant to the President and Deputy Chief of Staff. As part of the Office of the Chief of Staff, she was a top domestic policy advisor to the President.
  - Ms. Miers has served as Counsel to the President since February 2005. In this role, she has served as the top lawyer to the President and the White House, and in particular has been the principal vetter for judicial nominations.
- Ms. Miers's **professional accomplishments have been recognized time and time again**.

- Ms. Miers made partner at her law firm in 1978; the next year, she was honored as the Outstanding Young Lawyer of Dallas by the Dallas Association of Young Lawyers.
- On numerous occasions, the National Law Journal named her one of the Nation's 100 most powerful attorneys, and as one of the Nation's top 50 women lawyers.
- She has received countless awards recognizing her distinguished career, including 1997 Woman of the Year, the 1996 Louise Raggio Award, the 1993 Sarah T. Hughes Award, and the 1992 Dallas Bar Association's Justinian Award for Community Service. In 2005 she received the Sandra Day O'Connor award.
- In 1996 alone, she was honored with the Anti-Defamation League's Jurisprudence Award and the Legal Services of North Texas 1996 Merrill Hartman Award.
- She also has been the recipient of a Women of Excellence Award, sponsored by Dallas's Women's Enterprise, for her work with the Dallas Bar Association and Dallas's Girls Inc.
- Also like Justice O'Connor, Ms. Miers has been an **active participant in our nation's political realm.**
  - In 1989, she was elected to a two-year term as an at-large candidate on the Dallas City Council. She chose not to run for re-election when her term expired.
  - Ms. Miers served as general counsel for the transition team of Governor-elect George W. Bush in 1994.
  - From 1995 until 2000, Ms. Miers was Chairwoman of the Texas Lottery Commission. Then-Governor Bush appointed Ms. Miers to a six-year term on the Texas Lottery Commission when it was mired in scandal, and she served as a driving force behind its cleanup. In an editorial, The Dallas Morning News complimented her distinguished service and her success in ensuring the lottery's integrity.
- In addition to her trailblazing role in the Dallas Bar and Texas State Bar, Ms. Miers has been a **strong voice in the American Bar Association**, the leading professional organization for lawyers across the country, and the Texas State Bar.
  - She was one of two candidates for the No. 2 position at the ABA, chair of the House of Delegates, before withdrawing her candidacy to move to Washington to serve in the Bush Administration.
  - Ms. Miers also served as the chair of the ABA's Commission on Multi-jurisdictional Practice and was a member of the ABA Governance Committee.
  - She has also served as the Chair of the Board of Editors of the *ABA Bar Journal*.

- Similarly, she has served as the chairwoman of the Legal Services to the Poor in Civil Matters Committee of the State Bar of Texas.
- Throughout her career, **Ms. Miers has successfully balanced her professional obligations and community involvement.**
  - For example, while she served as President of the State Bar of Texas, Ms. Miers also logged 125 pro bono hours handling an immigration and naturalization case for Catholic Charities of Dallas.
  - In addition to her service to the Bar and her pro bono commitments, Ms. Miers has served on the Executive Board for the Southern Methodist University School of Law and as a Trustee of the Southwestern Legal Foundation.
- Ms. Miers is single and very close to her family: two brothers and her mother live in Dallas, and a third brother lives in Houston.